

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
ex rel. MARY HENDOW and
JULIE ALBERTSON,

Plaintiffs,

No. CIV S-03-0457 GEB DAD

v.

UNIVERSITY OF PHOENIX,

Defendant.

ORDER

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This case came before the court on August 22, 2008, for hearing of defendant's July 16, 2008 motion (Doc. No. 167) to compel relator's further production of documents. Peter E. Leckman and Jonathan D. Weissglass appeared for the relators. Jay D. Majors was present for non-intervening plaintiff United States of America. Jared M. Toffer and Wayne W. Smith appeared for defendant. For the reasons stated in open court, the motion was specially set for further hearing on October 9, 2008.

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1 On October 3, 2008, relators filed a joint statement re discovery disagreement
2 (Doc. Nos. 177 and 179).¹ By this statement, relators seek an order compelling defendant to
3 produce certain documents that post-date March 4, 2005.²

4 At the further hearing scheduled for October 9, 2008, Peter E. Leckman appeared
5 for the relators. Jay D. Majors was present for non-intervening plaintiff United States of
6 America. Wayne W. Smith and Kristopher P. Diulio appeared for defendant. The court gave
7 careful consideration to the written materials submitted by the parties and to the arguments of
8 counsel at both hearings. For the reasons set forth on the record, defendant's motion to compel
9 further production of documents was denied, and relators' request for an order compelling
10 production of documents that post-date March 4, 2005 was also denied.

11 As set forth more fully on the record, IT IS ORDERED that:

12 1. Defendant's July 16, 2008 motion (Doc. No. 167) to compel relators' further
13 production of documents is denied as is defendant's request for in camera review of documents;

14 2. Relators' October 3, 2008 request (Doc. No. 179) for order compelling
15 defendant to produce documents that post-date March 4, 2005 is denied without prejudice; and

16 3. Defendant's production of documents pursuant to this court's April 11, 2008
17 order in open court (order filed April 15, 2008), shall be completed by January 16, 2009, absent
18 further order of the court.

19 DATED: October 9, 2008.

20 DAD:kw

21 Ddad1/orders.civil/hendow0457.oah.100908



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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23 ¹ Although the caption of the joint statement indicates a hearing date of October 9, 2008,
24 the statement was not accompanied by a notice of motion and motion. See Local Rule 37-251(a)
25 (providing that a discovery dispute may be placed on the magistrate judge's next regularly
26 scheduled calendar at least three court days after the filing of a notice of motion and motion
concurrently with a joint statement).

² Relators' previous motion to compel (Doc. No. 154) was heard on April 11, 2008, and
was resolved by order filed April 15, 2008 (Doc. No. 165).